

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**MICHAEL KAISER and MARGARET
J. LOEWEN, on behalf of themselves and
others similarly situated,**

Plaintiffs,

v.

**CASCADE CAPITAL LLC and
GORDON AYLWORTH & TAMI
PC,**

Defendants.

MOSMAN, J.,

No. 3:16-cv-00744-AC

OPINION AND ORDER

On March 27, 2017, Magistrate Judge John V. Acosta issued his Findings and Recommendation (“F&R”) [56], recommending that Defendants’ Motion to Compel Arbitration [16] should be GRANTED. Mr. Kaiser objected [63], and Defendants responded [70].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendations as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the

court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny with which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon careful review, I agree with Judge Acosta's recommendations and ADOPT the F&R [56] as my own opinion. Defendants' Motion to Compel Arbitration [16] is GRANTED as to the question of whether the arbitration agreement encompasses FDCPA claims. Mr. Kaiser's claims against Defendants are STAYED pending the arbitrator's decision on whether Mr. Kaiser's FDCPA claim is subject to arbitration.

IT IS SO ORDERED.

DATED this 12th day of July, 2017.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
Chief United States District Judge